

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

STEPHANNE RENAE OCHOE JOHNSON

PLAINTIFF

v.

No. 1:23-cv-123-JMV

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

AMENDED ORDER ON PETITION FOR ATTORNEY FEES

Before the Court are Plaintiff's motion [20] for attorney fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), and Defendant's response [21]. For the reasons that follow, the motion will be granted.

In these proceedings Plaintiff sought judicial review of the Social Security Commissioner's final decision denying a claim for benefits. This Court's Order [18] reversed the Commissioner's decision and remanded to the Social Security Administration on June 7, 2024, for further proceedings. A party who obtains a remand in a social security appeal pursuant to the fourth sentence of 42 U.S.C. § 405(g) qualifies as a prevailing party for purposes of fees under the EAJA. *Breaux v. U.S.D.H.H.S.*, 20 F.3d 1324, 1324 (5th Cir. 1994) (per curiam).

Plaintiff, through her motion, sought attorney fees in the amount of \$7,715.49. In support of the motion, Plaintiff's counsel submitted a statement regarding the time expended litigating this action. According to the motion, Plaintiff's attorney spent a total of 27.4 hours on this case in 2023 at a rate of \$242.19 per hour. In addition, Plaintiff's counsel spent a total of 4.44 hours on this case in 2024 at a rate of \$243.13 per hour.

The Court, having thoroughly considered the motion, noting that the defendant does not oppose the award of EAJA fees, and the applicable law, finds the award is reasonable; and no special circumstance would make the award unjust.

Therefore, it is ordered that the Commissioner shall promptly pay Plaintiff \$7,715.49 in attorney fees for the benefit of her counsel.¹ As a matter of practice, an EAJA fee made payable to Plaintiff may properly be mailed to Plaintiff's attorney.

SO ORDERED, this the 26th day of August, 2024.

/s/ Jane M. Virden
UNITED STATES MAGISTRATE JUDGE

¹ This Court's initial order [22] entered on August 7, 2024, contained a typographical error. The instant Amended Order corrects said error and awards \$7,715.49 in attorney's fees.